

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ANDRZEJ KIERNOZEK,

Petitioner,

v.

Civil Action No. 3:18CV523

WARDEN J. RAY ORMOND,

Respondent.

**MEMORANDUM OPINION**

Andrzej Kiernozek, proceeding pro se, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Since Kiernozek submitted this action, he has been released from custody. "A habeas corpus petition is moot when it no longer presents a case or controversy under Article III, § 2, of the Constitution." Aragon v. Shanks, 144 F.3d 690, 691 (10th Cir. 1998) (citing Spencer v. Kemna, 523 U.S. 1, 7 (1998)). No case or controversy exists unless the petitioner has suffered an actual injury that can "be redressed by a favorable judicial decision." Spencer, 523 U.S. at 7 (quoting Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477 (1990)). Here, Kiernozek's release from custody appeared to moot his § 2241 Petition challenging the execution of his sentence. Accordingly, by Memorandum Order entered on October 24, 2018, the Court directed Kiernozek, within fifteen (15) days of the date of entry thereof, to show good cause why the action should not be dismissed as moot.

More than fifteen (15) days have elapsed since the entry of the October 24, 2018 Memorandum Order and Kiernozek has not responded. Accordingly, the action will be dismissed as moot.

The Clerk is directed to send a copy of this Memorandum Opinion to Kiernozek.

An appropriate Order shall issue.

Date: December 28, 2018 /s/ RER  
Richmond, Virginia Robert E. Payne  
Senior United States District Judge